

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.


05-cr-281-01-SM

Paul McGrail

ORDER

Re: Document No. 13, Motion for Seal of Sentencing
Memorandum and Motion for Seal at Level 1

Ruling: Denied. The motion does not disclose an adequate basis for sealing the judicial document. The public enjoys both a common law and First Amendment right of access to judicial documents and records. A strong presumption of public access to and right to observe criminal proceedings exists, which promotes the appearance of justice, an informed public, an accountable judiciary and executive, and assures propriety in the administration of the criminal justice system. In some circumstances legitimate privacy concerns may warrant limited restriction of public access, but this case does not present such circumstances. Defendant seeks a sentence based upon specific characteristics and circumstances, not involving the privacy interests of living third parties, but peculiar to him. Those factors are critical to the sentencing process, and are not of the type sufficient to overcome the presumption of public access. See e.g. Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980); CBS, Inc. v. District Court, 765 F.2d 823 (9th Cir. 1985); U.S. v. Milken, 780 F.Supp. 123 (S.D.N.Y. 1991).


Steven J. McAuliffe
Chief District Judge

Date: November 14, 2006

cc: Jeffrey Levin, Esq.
Arnold Huftalen, AUSA
USPO Pingree